IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1602 OF 2007

Smt.Mandakini Arjun Jadhav .. Petitioner.

V/s.

Headmaster,

Navbal Vidya Mandir, Thane & Ors. .. Respondents.

Shri.Ashutosh Gole h/f.Mandar Limaye & Vaibhav Patankar for the petitioner.

None for the respondent.

CORAM : A.P. DESHPANDE, J.

DATE : 14TH MARCH, 2007.

P.C.:

1. The petitioner questions the correctness of the judgement and order dated 2nd December, 2005 passed by the School Tribunal, Navi Mumbai in Appeal No.2 of 2005 by filing the present writ petition.

2. According to the petitioner, she was appointed as an Assistant Teacher in the primary school administered by the respondent in July, 1989 and further it is the case of

the petitioner that she came to be terminated from service on 14th June, 1998. The Tribunal on appreciation of the facts has recorded a finding that the petitioner has succeeded in establishing that she was in service from July, 1989 upto 12th April, 1993. The Tribunal has disbelieved the case of the petitioner that the petitioner was continued in service till the year 1998. It is undisputed that she was in service from the date of appointment till the date of termination. The petitioner was an untrained teacher, not eligible and qualified for being appointed as an Assistant Teacher in the primary school. If this be so, the petitioner can claim no right to the post. The Tribunal has further held that the appeal itself is misconceived as there is no termination effected in 1998 as contended by the petitioner. The petitioner claims to have passed B.Ed. after the termination but that would not strengthen the case of the petitioner in the first place and in the second place, it is relevant to note that the eligibility qualification for primary school teacher is D.Ed. Hence, the petitioner does not even now is a trained teacher.

3. I have perused the order passed by the School Tribunal. No interference is called for. Petition is, thus, dismissed summarily being devoid of any merit.

(A.P. Deshpande, J.)